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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of Jeffrey Lynn Chamberlain

Application No.: 10/788,637

Filing Date: 02/27/2004

Applicant: Jeffrey Lynn Chamberlain

Office of Petitions Attorney: John J. Gillon, Jr.

Office Action Date: 08/06/07

GAU:

**RENEWED PETITION UNDER 37 C.F.R. §1.137(b)**

This is the cover letter by which Applicant, Jeffrey Lynn Chamberlain, respectfully presents his Request for Reconsideration of Dismissal and his Reply in the form of a check for \$10.00, both of which are enclosed herewith.

Respectfully submitted,

Charles R. Sutton Reg. No. 42,176

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: Sept. 4, 2007

Charles R. Sutton

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re: The Application of Jeffrey Lynn Chamberlain

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**REQUEST FOR RECONSIDERATION OF DISMISSAL**

Applicant, Jeffrey Lynn Chamberlain, respectfully presents the Declaration of Charles Sutton and Remarks in support of his Request for Reconsideration of Holding of Abandonment.

**DECLARATION OF CHARLES SUTTON**

I, Charles Sutton, declare:

1. I am an attorney licensed to practice before the United States Patent and Trademark Office.

The facts in my declaration are true of my own knowledge and if called upon to testify about them in a court of law I could and would do so competently. I am the attorney of record in the above entitled application.

2. This petition has been made based on an unintentional delay, not an unavoidable delay.

Enclosed herewith please find the check for \$10.00 that is the Reply that has not been included previously, apparently resulting in the dismissal of the Petition.

3. If I made a mistake concerning mailing addresses of my office, it was unintentional on my part and certainly was not the intention of Mr. Chamberlain. I continued to live in Van Nuys, California from the time I filed this application until June of 2006. I had a continuous ongoing arrangement with the other tenants in the office building at 14507 Sylvan St., Van Nuys, California in which for years we would collect the mail deposited in a common box and

distribute it among the 5 or 6 tenants occupying one of the offices at any given time. Some of those tenants had been in the same office for over twenty years and I had one of those offices for over six years. The other tenants continued to collect any mail that came to me at that building and forward it to me up until September 2006. I also filed a change of address form with the United States Post Office directing that all mail addressed to me at 14507 Sylvan St., Van Nuys, CA be forwarded to me at 13611 Leadwell St., Van Nuys, CA. The latter address was the residence I used weekdays up until June 2006 when I moved permanently to Arizona. I had lived at that address continuously from 1989 until September 29, 2005 when the escrow closed on my Arizona home and I began spending my weekends in Arizona. I cannot find my copy of the change of address form I gave to the Post Office and so I cannot attach it.

4. I had a close and continuous relationship with the few tenants of the small office building at 14507 Sylvan St. Van Nuys, CA during the time I was changing office addresses. They were all long term tenants who shared responsibility for collecting the mail from the common box and did so at least five days a week. They were all my friends. They collected the mail that came to me at that address. I repeat that I never got the Notice to File Missing parts prior to the copy that was sent with the August 7, 2007 Dismissal.

5. Thus, during the time between when I no longer physically occupied the office at 14507 Sylvan St., Van Nuys, California and when I formally changed my address of record on this application I took strong affirmative measures at my end to assure that I would continue to get the mail sent to me at 14507 Sylvan St., Van Nuys, CA. I did not foresee that the United States Patent and Trademark Office would wait over a year and a half to send out a Notice of Missing Parts over a ten dollar discrepancy in filing fees. I do not believe my friends from those offices would take the time and effort to save each piece of junk mail that came for me while neglecting

to give me the Notice of Missing Parts from this application. I still believe it never came.

6. I apologize about the mailing address situation and I send you the ten dollar check. I respectfully request that you reconsider and revive Mr. Chamberlain's application. He is not the one who has made a mistake here, and should not be made to suffer for his unintentional delay in filing the reply. With regard to the averment concerning Mr. Chamberlain's delay being unintentional I would also point out that I see no sense to the proposition that Mr. Chamberlain would be willing to pay over \$700 in Petition fees and intentionally omit \$10.00. This is obviously all just a big mix up for which I am sorry. Again, I am requesting that you simply accept the Reply in the form of my \$10.00 check and please pass the application on to an Examiner so it can be prosecuted on its merits.

I declare under penalty of perjury under the laws of the state of Arizona, the State of California, and of the United States of America that the foregoing declaration of Charles R. Sutton is true and correct and that this declaration was executed on September 4, 2007 at Prescott Valley, Arizona.

A handwritten signature in dark ink, appearing to read "Charles R. Sutton", is written over a horizontal line.

Charles Sutton

#### **REMARKS**

I have included the missing check for \$10.00. It would not make sense to send in over \$700 in fees for a Petition to Revive Unintentionally Abandoned Application and purposefully omit a simple \$10.00 check. I had a close and continuous relationship with the few tenants of the small office building at 14507 Sylvan St. Van Nuys, CA during the time I was changing office addresses. They were all long term tenants who shared responsibility for collecting the mail from the common box and did so at least five days a week. They were all my friends and they

collected my mail and saved it for me. I repeat that I never got the Notice to File Missing parts prior to the copy that was sent with the August 7, 2007 Dismissal. This entire delay has been unintentional. The Petition required by 37 C.F.R. §1.137(b) has been sent on June 30, 2006. The Reply in the form of a check for \$10.00 is included herewith.

WHEREFORE Applicant, Jeffrey Lynn Chamberlain, respectfully requests that the Senior Attorney reconsider his dismissal of the June 30, 2006 Petition to Revive under made 37 C.F.R. §1.137(b), accept the missing part constituting a check for \$10.00 and pass the application on to an Examiner for examination on the merits.

Respectfully submitted,



Charles R. Sutton Reg. No. 42,176

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Date: Sept. 4, 2007

Charles R. Sutton